

Message Text

UNCLASSIFIED

PAGE 01 USUN N 00744 272143Z

60
ACTION IO-11

INFO OCT-01 AF-06 EUR-12 NEA-10 ISO-00 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01

SP-02 SS-15 USIA-15 SSM-05 SAB-01 SAM-01 /103 W
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P 272018Z FEB 76
FM USMISSION USUN NEWYORK
TO SECSTATE WASHDC PRIORITY 6054
INFO AMEMBASSY ALGIERS PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY NOUAKCHOTT PRIORITY
AMEMBASSY RABAT PRIORITY

UNCLAS USUN 0744

E.O. 11652: N/A
TAGS: PFOR, UN, SS
SUBJ: SPANISH SAHARA: SPANISH PERM REP LTR TO SYG

REF: USUN 730

1. FOLLOWING IS TEXT OF FEBRUARY 26 LETTER FROM SPANISH PERM REP TO SYG, CONCERNING SPANISH SAHARA. AT SPANISH REQUEST, TEXT HAS BEEN DISTRIBUTED AS SECURITY COUNCIL AND GENERAL ASSEMBLY DOCUMENT.

QTE: LETTER DATED 26 FEBRUARY 1976 FROM THE PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

ON INSTRUCTIONS FROM MY GOVERNMENT, I HAVE THE HONOUR TO CALL YOUR EXCELLENCY'S ATTENTION TO THE FOLLOWING:
IN NUMEROUS COMMUNICATIONS, I HAVE HAD OCCASION TO INFORM YOUR EXCELLENCY OF THE WILLINGNESS OF THE SPANISH GOVERNMENT TO PROCEED, IN AN ORDERLY AND PEACEFUL MANNER, WITH THE DECOLONIZATION OF THE TERRITORY OF WESTERN SAHARA, IN ACCORDANCE WITH THE PRINCIPLES OF THE CHARTER AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 00744 272143Z

THE RELEVANT RESOLUTIONS OF THE GENERAL ASSEMBLY.

ON 20 AUGUST 1974 (A/9714), THE SPANISH GOVERNMENT ANNOUNCED THE HOLDING OF A REFERENDUM FOR THE SELF-DETERMINATION OF THE TERRITORY DURING THE FIRST SIX MONTHS OF 1975. HOWEVER, THE GENERAL ASSEMBLY, IN ITS RESOLUTION 3292 (XXIX) REQUESTED THE INTERNATIONAL COURT OF JUSTICE TO GIVE AN ADVISORY OPINION AND URGED THE SPANISH GOVERNMENT TO POSTPONE THE REFERENDUM.

ALTHOUGH THAT RESOLUTION PROLONGED SPAIN'S RESPONSIBILITIES AND CREATED A CLIMATE OF UNCERTAINTY, SPAIN ACCDED TO THE POSTPONEMENT BECAUSE THE RESOLUTION RECOGNIZED THE RIGHT OF THE INDIGENOUS POPULATION OF THE TERRITORY TO SELF-DETERMINATION.

EXTERNAL FACTORS DID NOT CONTRIBUTE, AS WOULD HAVE BEEN REQUIRED BY RESPECT FOR THE PRINCIPLES AND PRECEPTS OF THE CHARTER, TO A CLIMATE OF PEACE AND ORDER; ON THE CONTRARY, THEY AGGRAVATED THE INSTABILITY OF THE SITUATION IN THE TERRITORY AND THE AREA.

IN A COMMUNICATION DATED 23 MAY 1975 (A/10095), I INFORMED YOUR EXCELLENCY THAT, IF THOSE DISTTURBING FACTORS DID NOT CEASE, SPAIN WOULD BE OBLIGED TO END ITS PRESENCE AND ADMINISTERING ROLE, FOR WHICH AN APPROPRIATE DATE WOULD BE SET.

THE SERIOUS SITUATION THAT HAD ARISEN IN THE TERRITORY LED TO THE CONVENING OF THE SECURITY COUNCIL, ON 20 OCTOBER 1975, AT SPAIN'S REQUEST (S/11851). THE SPANISH GOVERNMENT ONCE AGAIN INEICATED ITS WILLINGNESS TO ENSURE A SPEEDY AND PEACEFUL DECOLONIZATION OF THE TERRITORY OF THE SAHARA, BEING READY TO ACCEPT A TEMPORARY INTERNATIONAL ADMINISTRATION OF THE TERRITORY, AS STATED IN YOUR EXCELLENCY'S REPORT TO THE SECURITY COUNCIL (S/11874).

IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTIONS 377 (1975), 379 (1975) AND 380 (1975), THE GOVERNMENTS OF SPAIN, MOROCCO AND MAURITANIA ENTERED INTO NEGOTIATIONS WITHIN THE FRAMEWORK OF ARTICLE 33 OF THE CHARTER. ON 14 NOVEMBER 1975, IN MADRID, AS A RESULT OF THOSE NEGOTIATIONS, A DECLARATION OF PRINCIPLES WAS SIGNED WHICH IS SET FORTH IN DOCUMENT S/11880 AND WHICH, IN ACCORDANCE WITH ARTICLE 102 OF THE CHARTER, WAS REGISTERED WITH THE SECRETARIAT ON 9 DECEMBER 1975. IN ITS RESOLUTION 3458 B (XXX), ADOPTED ON 10 DECEMBER 1975, THE GENERAL ASSEMBLY TOOK NOTE OF THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 USUN N 00744 272143Z

AGREEMENTS CONTAINED IN THAT DECLARATION. IN PARAGRAPH 2 OF THE DECLARATION OF PRINCIPLES, IT WAS LAID DOWN THAT THE TERMINATION OF THE SPANISH PRESENCE IN THE TERRITORY WOULD BE COMPLETED BY 28 FEBRUARY 1976 AT THE LATEST.

IN A COMMUNICATION DATED 19 JANUAR 1976, I INFORMED YOUR EXCELLENCY THAT THE SPANISH GOVERNMENT HAD REQUESTED THE CO-OPERATION OF THE GOVERNMENTS OF MOROCCO AND MAURITANIA WITH A VIEW TO IMPLEMENTING GENERAL ASSEMBLY RESOLUTION

3458 (XXX), AND I OFFERED YOUR EXCELLENCY CO-OPERATION AND
EVERY POSSIBLE AND NECESSARY ASSISTANCE TO THE REPRESENTATIVE
APPOINTED BY YOU SO THAT HE MIGHT PROCCED TO THE TERRITORY
AND ASSESS THE SITUATION WITH A VIEW TO ENSURING THE RIGHT OF
ALL SAHARANS TO SELF-DETERMINATION. THAT OFFER WAS TO BE
REITERATED IN COMMUNICATIONS TO YOUR EXCELLENCY ON 29
AND 30 JANUARY. ON THE OCCASION OF THE VISIT TO MADRID
AND THE TERRITORY OF THE SAHARA BY AMBASSADOR RYDBECK,
THE REPRESENTATIVE APPOINTED BY YOU, THE SPANISH AUTHORITIES
CO-OPERATED WITH HIM, GRANTING HIM ALL POSSIBLE FACILITIES
AND ASSISTANCE FOR THE DISCHARGE OF THE MISSION ENTRUSTED
TO HIM IN ORDER TO ENABLE HIM TO ASSESS THE SITUATION IN THE
TERRITORY MORE ACCURATELY WITH A VIEW TO IMPLEMENTING THE
ABOVE-MENTIONED RESOLUTION, BEARING PARTICULARLY IN MIND
THAT THE TERMINATION OF THE SPANISH PRESENCE IN THE TERRITORY
SHOULD TAKE PLACE BEFORE 28 FEBRUARY, AS INDICATED ABOVE;
THAT ASSESSMENT HAS NOT BEEN POSSIBLE, SINCE THE RELEVANT
REPORT HAS NOT YET BEEN DISTRIBUTED.

THE SPANISH GOVERNMENT HAS REPEATEDLY INDICATED THAT IT
HAS DONE ITS UTMOST TO ACHIEVE SPEEDY DECOLONIZATION UNDER
PEACEFUL CONDITIONS AND WITH RESPECT FOR THE VIEWS OF
THE POPULATION OF THE TERRITORY. THE PERSISTENCE OF
CIRCUMSTANCES BEYOND ITS CONTROL HAS MADE IT IMPOSSIBLE
THUS FAR TO ORGANIZE THE POPULAR CONSULTATION PROVIDED
FOR IN THE AGREEMENTS OF 14 NOVEMBER 1975 AND IN RESOLUTION
3458 B (XXX).

IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 2 OF
THE MADRID DECLARATION OF PRINCIPLES OF 14 NOVEMBER 1975,
THE SPANISH GOVERNMENT, AS OF TODAY, DEFINITIVELY TERMINATES
ITS PRESNCE IN THE TERRITORY OF THE SAHARA AND DEEMS IT
NECESSARY TO PLACE THE FOLLOWING ON RECORD:

(A) SPAIN CONSIDERS ITSELF HENCEFORTH EXEMPT FROM ANY
RESPONSIBILITY OF AN INTERNATIONAL NATURE IN CONNEXION
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UNCLASSIFIED

PAGE 04 USUN N 00744 272143Z

WITH THE ADMINISTRATION OF THE SAID TERRITORY, IN VIEW OF
THE CESSATION OF ITS PARTICIPATION IN THE TEMPORARY ADMINISTRATION
ESTABLISHED FOR THE TERRITORY;

(B) THE DECOLONIZATION OF WESTER SAHARA WILL REACH
ITS CLIMAX WHEN THE VIEWS OF THE SAHARAN POPULATION HAVE
BEEN VALIDLY EXPRESSED.

I SHOULD BE GRATEFUL IF YOUR EXCELLENCY WOULD ARRANGE
FOR THIS NOTE TO BE DISTRIBUTED AS A DOCUMENT OF THE
GENERAL ASSEMBLY AND THE SECURITY COUNCIL.

(SIGNED) JAIME DE PINIES
AMBASSADOR PERMANENT REPRESENTATIVE UNQTE.
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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SETTLEMENT, INDEPENDENCE, TERRITORIAL CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN00744
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760075-0191
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976023/aaaaabuf.tel
Line Count: 167
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: castelsl
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUL 2004 by schwenja>; APPROVED <07 SEP 2004 by castelsl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SPANISH SAHARA: SPANISH PERM REP LTR TO SYG
TAGS: PFOR, SS, SP, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006